

REMARKS

Claims 1-43 are pending in this application, with claims 1, 12, 28 and 33 being independent. Claim 23 has been amended. Reconsideration in view of the following remarks is kindly requested.

Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating that claims 11, 24, 32 and 39 are allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Specification

The abstract stands objected because it contains the phrase "invention" which can be implied. Applicant has amended the abstract in an effort to comply with the MPEP § 608.01 (b) requirements, taking into account the Examiner's suggestions and comments.

Claim Objections

Claim 23 stands objected because of alleged informalities. Applicant has amended claim 23 in an effort to remove the informalities, taking into account the examiner's suggestions and comments.

Double Patenting

It is alleged in the Office Action that claims 1, 4, 12, 15, 28 and 33 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 16, 28 and 35 of U.S. Patent No. 6,865,179 in view of Suzuki (US9006330239B1). This rejection is respectfully traversed.

Applicant respectfully submits that claims 1, 4, 12, 15, 28 and 33 recites, among other things, that IP traffic is routed to the circuit switch fabric or packet switch fabric depending on an ATM service category of the IP traffic. In contrast, U.S. Patent No. 6,865,179, appears to disclose a controller that directs ATM traffic of at least one service category to a circuit switched switch fabric and/or a controller configured to separate telecommunications traffic. Thus, U.S. Patent No. 6,865,179 fails to disclose or suggest the feature of routing IP traffic based on an ATM service category to either a circuit switch fabric or packet-switch fabric. Suzuki does not make up for this deficiency.

Accordingly, claims 1, 4, 12, 15, 28 and 33 in the present application are not of the same scope of the claims 1, 16, 28 of 35 of U.S. Patent No. 6, 865, 179. Reconsideration and allowance of claims 1, 4, 12, 15, 28 and 33 is kindly requested.

The Section 103 Rejections

Claims 1 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chang '412 (US005920412a) in view of Chang '757 (US006657757B1). Claims 2, 3, 7, 13, 14, 28 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chang '412 in view of Chang '757, and further in view of Dail (US005570355A). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicant respectfully submits that Chang '412 fails to teach or suggest a hybrid telecommunications switch comprising, at least: a controller configured to route IP traffic to the circuit switch fabric or packet switch fabric, depending on an ATM service category of the IP traffic, as recited in claim 1 and similarly recited in claims 12, 28 and 33.

Instead, Chang '412 discloses (referring to col. 12 lines 9-46) a type check 24 which categorizes the demultiplexed signals based on wavelength, not on an ATM service category of IP traffic, as recited in the claims 1, 12, 28 and 33.

Further, type check 24 categorizes signals as local or non-local. Thus, the switching in Chang '412 is not based on a service level. Instead, it is based on whether or not a signal is local or non-local.

Chang '757 and Dail do not make up for these deficiencies.

Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1, 12, 28 and 33.

Claims 2-10, 13-23, 25-27, 29-31, 34-38 and 40-42 are allowable by virtue of their dependency on claims 1, 12, 28 and 33, as well as on their own merits.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

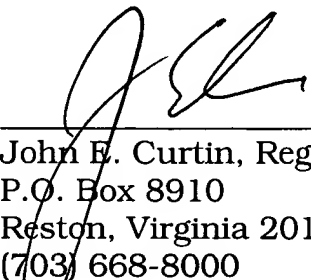
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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